

Title 68 Indiana Gaming Commission

Economic Impact Statement

LSA Document #08-430

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

This rule is substantially similar to LSA Document 08-185, which has been withdrawn.

Based on Indiana Gaming Commission staff analysis of the corporate structure and financial information of casino and supplier licensees, staff predicts that two (2) small businesses, Dallman Systems, Inc., and Fairchild Communication Systems, Inc., which are in the security and surveillance business, could be affected by this rulemaking.

Most of this rulemaking modifies the regulation of casino patrons. The small businesses will be affected by only a small portion of this rulemaking, namely the sections amending 68 IAC 13, which details disciplinary actions against licensees and individuals. If a licensee runs afoul of the Commission, its disciplinary action will take place under 68 IAC 13. The cost of compliance with the new rule is expected to be minimal due to the fact that most of the changes that are relevant to the affected business are not substantive changes to the rule but rather repeals of certain sections that duplicate IC 4-21.5 ("AOPA") procedures. The current 68 IAC 13 borrows heavily from AOPA, and with this rulemaking, the Commission staff is eliminating duplicative language in 68 IAC 13. These changes will naturally have costs of time and effort in adjusting to the new scheme, but considering that the changes do not alter any pre-existing obligations but merely refer licensees solely to the statutory framework in AOPA, these costs will be minimal.

One section increases costs of non-compliance. Proposed 68 IAC 13-1-21 adds an additional penalty of no more than one hundred dollars (\$100) per day that an original penalty under the disciplinary action provisions goes unpaid. It is not expected that this section will be used regularly, and if it is, it will be because of the small businesses' own ill action or inaction.

Based on Indiana Gaming Commission staff analysis of the rule, it is estimated that zero (0) small businesses in the gaming industry will be affected by this rule. Casino companies may need to invest some educational time and cost to educate staff about changes in patron exclusion procedures, but none of the casino companies are small businesses according to IC 4-22-2.1-4.

Based on Indiana Gaming Commission staff analysis of the rule and a discussion with the Casino Association of Indiana, it is estimated that zero (0) small businesses in the mailing industry will have additional requirements or costs imposed upon them by this rule. There are no sections of this rulemaking that impact mail.

No less intrusive or less costly alternative would achieve the purpose of this proposed rule. The policy goal of eliminating duplicative language can only be achieved through repealing that language, and there will be some adjustment time and effort on the part of affected small businesses, but it will be minimal. Also, there are no less stringent compliance or reporting

requirements and no less stringent schedules or deadlines that would achieve the purpose of this rule.

The only stringent compliance requirement that Commission staff has added is an additional \$100 per day penalty for unpaid disciplinary punishments, and it is expected that the goal of adding a more severe element to the Commission's collection of methods to eliminate late payments can only be achieved through this additional penalty. Exemption of small businesses from the requirements of this rule would not achieve any useful difference from the rule as written, because small businesses are treated by IC 4-33 and IC 4-35 the same as other businesses insofar as they must comply with the same reasonable regulatory scheme, of which this rule is an integral part. Exempting small businesses from this penalty would harm the Commission in that it would not be able to enforce uniformly its regulations and it might violate the uniformly applicable statutes. Furthermore, there is no disparate impact to small businesses as opposed to large businesses based on this generally applicable regulatory scheme.